The Office of the Executive Director

Department of Development Planning

Transportation and the Environment

City of Johannesburg

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**APPLICATION IN TERMS OF SECTION 21 AND SECTION 33(1)b RESPECTIVELY, OF THE CITY OF THE JOHANNESBURG MUNICPAL PLANNING BYLAW FOR THE AMENDMENT OF THE LAND USE SCHEME (REZONING) OF ERVEN 48 AND 49, MELVILLE, FROM RESIDENTIAL 1 TO RESIDENTIAL 4 AND THE CONSOLIDATION OF SAID ERVEN.**

I, name, a resident of \_\_\_\_\_ Melville hereby formally objects to the application for the above rezoning and consolidation of Erven 48 and 49, Melville. .

This application site is located on First Avenue on the very edge of Melville where it abuts the neighbouring Auckland Park suburb. It falls into a residential part of the suburb, with mostly single storey houses, a church and a school serving residents. The properties are the third and fourth property along 1st Ave from the intersection with Main Road and its business activities.

It would appear that the two properties are currently operating as a backpackers’ business, with only Erf 49 (37 First Avenue) having consent use rights to operate a backpackers’ from the existing house. The use of Erf 48 as a back-packers facility is therefore illegal. Erf 48 also has signage and advertising as accommodation, all also illegal.

Notwithstanding the non-compliance by the owner, he has now applied to intensely scale up the operations and obtain rights to build a three-storey, apartment-style building over the two residential sites for his backpackers’ business. The scale of the development and the rights applied for are strongly objected to, on the following grounds:

1. **Need and Desirability:** the applicant has not motivated a need for backpackers’ accommodation, nor the need for this facility at this location. The motivation mentions that it is a cheaper alternative to a B&B or Guest House, but little empirical evidence is provided as to why the current arrangement (which could accommodate up to 16 backpackers if both houses obtained Consent Use) is insufficient and where the need for 53 beds is derived. In fact, there appears to be little specific need for this use because the motivation consistently refers to the development being suitable for student accommodation. An application that specifically wants to be a ‘backpackers’ must provide more proof of the need and the need on those erven.

It is a concern for residents that this application could be a veiled application for more student accommodation in Melville. No specific need for student accommodation on this site has been motivated or substantiated. This unsubstantiated yet intense use would be undesirable, in this local context, given the impact it will have on the immediate surrounds.

1. **Conforming to City Policies:** The development of a backpackers’ building does not constitute densification in the way intended in city policies. This is simply adding beds into one building on one site. The extrapolation of the number of beds into a density per hectare is illogical, presumptuous and a poor attempt to relate this development application to densification policies. The transitory nature of the tenants and the business further underscores that it is not adding units to the built environment but bringing in fleeting occupants in an erratic way. This is not and cannot be the intention of densification policies, nor any guideline in specifically the Nodal Review Policy.

The Nodal Review Policy, in any event, directs densification to high streets, main roads and local nodes. This property is located on a Residential 1 street and is not part of a node. The intensity of the land use is therefore not in keeping with the location of the property.

The Nodal Review Policy has Development Guidelines to ensure that the form of development is compatible with its context. The Guidelines for the General Urban Zone (Table 4) are very clear about the concept of scaling up/down of buildings in built up areas. Given that all the neighbouring properties are developed at one storey, it would seriously affect the amenity of the street if a three-storey building is erected. The development should be restricted to two storeys. This is also because of the intended building (as per the SDP) will be a solid, monolithic structure extending across the two erven creating an imposing and barrier-like building, negatively affecting the streetscape. The fact that the under-cover parking will also face the street is undesirable and will detract from the streetscape.

1. **Rights applied for:** The applicant has applied for a Residential 4 zoning in order to erect a “residential building”. The motivation requests these rights in order to run a backpackers’ business. The applicant makes a distinction between a backpackers’ and a guest house or bed and breakfast establishment. It argues that backpackers’ are different because they provide communal ablutions, cooking and social spaces and shared rooms. The application also refers to the development being suitable for student accommodation. I have several objections to the rights applied for:
   1. The **“Residential Building”** should be limited to a backpackers ‘and a suitable definition provided (the definition provided in the Consent application related to the use of a residential home as a backpackers’ and is not appropriate) and all other “residential building” uses should be excluded. This is in line with their motivation. It would be completely inappropriate for residents to find that they could find themselves living next to a hotel, for example, on this site. The application should exclude “Guest houses”, “Bed and Breakfast”, “Student Accommodation” and no functions, conferences, promotions and receptions shall be permitted on the site as a minimum land use condition.
   2. The motivation refers to **sharing of facilities** such as ablutions and rooms, but it is very clear that this building will be constructed with individual rooms with own en-suite ablutions which makes it more suitable as student accommodation or a “boarding house”. This reinforces the view that the applicant is “hedging his bets” and if the backpackers’ does not earn sufficient income, it can easily be converted to student accommodation. MRA would like “student accommodation” to be explicitly excluded from the “residential building” uses in this case.
   3. The application, because it is for a backpackers’, motivates the size on the **number of beds**. It states that the number of beds will be limited to 53. This creates the impression that the development would have 53 occupants if fully booked. However, 16 of the beds are double and the rooms are larger to accommodate two persons. The establishment could therefore have as many as 69 occupants when full. This is excessive for the size of the consolidated erven.
   4. Most worrisome is that the size of the rooms on the SDP show that the single rooms are in fact the size of a double room (in terms of the City’s Communes Policy) and so there is the strong possibility that, if this is converted to **student accommodation** (without any rezoning and public participation), the building could accommodate **over 100 beds**. This illustrates the need to exclude any student accommodation uses. The parking will be insufficient (non- conforming) and the infrastructure services cannot accommodate this new demand.
   5. The **parking** requirements are proving difficult to meet comfortably on site and even the revised parking results in sub-minimal standard of bays and their configuration. For example, the front entrance to the entire development will be blocked by a parking bay. This is not acceptable, especially if a disabled person requires access. The additional parking has extended into the very limited open space on the site to the rear of the development, providing very little open garden space for the occupants. The plans do not show, nor does the development application confirm whether the required 10% open space has been achieved.
2. **Infrastructure Capacity:** Melville was developed in the 1930’s. The infrastructure has not been well maintained and it was also not designed for the levels of densification the City desires in its long-term vision and planning policies for this area.

One of the biggest constraints to densification in Melville is the **lack of bulk water and electricity capacity**, exacerbated by the condition of the infrastructure. The City planning department cannot approve an application such as this that will significantly increase service demand in the area, when other departments of the City (such as infrastructure departments) are unable to guarantee services. The application is therefore premature and not be entertained until the bulk infrastructure upgrades are done at Hursthill and local reticulation upgraded or replaced.

This application, if approved, will cause hardship for the whole area, and it does comply with the principles of spatial justice and equitable development and sustainability, amongst others, to allow one developer to benefit while the majority of the suburb suffers a loss and constant interruption of services.

1. **Consideration of Local circumstances:** The development must still be compatible and fitting for the area Conditions relating to the local context are such that this proposed development will be too tall, too intense, too disruptive of the neighbours, too different from the streetscape and too burdensome on local infrastructure. Given the local conditions of the site, it would not be prudent to disrupt the existing low-rise Residential 1 character of the area. Areas close to Kingsway Road and Streatly Avenue are better suited to this kind of intense development and it would support the policies of the City if located there.
2. **Development of the Site:** While the SDP is not cast in stone, it is indicative of what the developer intends for the site. I have the following objections to the proposal:

6.1 The siting of the **parking under the building** and on virtually all open space around the proposed building is not in keeping with the Melville streetscape with its historic houses.

6.2 The presence of only **one vehicular entrance and exit**. Despite the traffic analysis by the applicant, no detail is provided on the vehicular circulation and parking configuration. The design was driven solely by the need to fit the required number of parking bays at the expense of good circulation. One entrance will result in dangerous tailbacks of vehicles onto First Avenue but also within the development itself as several vehicles leave at once (e.g. when checking out).

6.3 The location of a **bus parking** bay in front of the development but outside the fence: This is not acceptable and will be used by vehicles and encourage parking on the street and pavement. It is unlikely to be controlled and used exclusively for busses. It will also become a gathering and “party area” for occupants. It negatively affects the residential character of the area.

6.4 The **building does not allocate sufficient area to both the communal kitchen or lounge areas.** With no cooking permitted in rooms, this is a serious oversight. The same applies to the lounge area, which is also smaller than what the Communes Policy requires.

6.5 The application is non-committal on the management aspects of this development. When it was operated under Consent use conditions, the owner was to live in the house and operate the backpackers’. There appears to be no dedicated living space for the manager and staff that would be needed to operate a large facility like this. Instead the design shows the desire to maximise the number of beds in the establishment to the detriment of functionality of the overall enterprise.

1. I objects to the demolition of the existing homes. Given that two houses are intended to be demolished, will result in a loss of heritage homes in Melville. Given that a double demolition is intended, the impact is doubled. The loss of homes over 60 years old and older in Melville must resisted as it is these old homes that are integral to the sought-after character of the area. Input on the heritage value of these homes should have been included in the application and not left until after the planning decision.
2. There is little to no enforcement in Melville of bylaws, basic safety and illegal land use at its current scale. I cannot support the development that further stretches resources.

We thank the City for the opportunity to comment/object. Please note that these are summary points and that I reserve the right to expand on them or make additional points.

Please acknowledge receipt of the objection and kindly notify us timeously of the date of the hearing of this matter.

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ADDRESS:

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